

# **MANAGING THE LAND USE CODE AMENDMENT PROCESS**

**MARCH 18, 2002**

**Project Team: Joyce Kling, Auditor-In-Charge  
Wendy K. Soo Hoo, Assistant City Auditor  
Jerry Stein, Senior Program Evaluator**

**Audit Manager: Susan Baugh**

**City Auditor: Susan Cohen**

**City of Seattle**

700 Fifth Avenue, Suite 2410  
Seattle, Washington 98104-5030



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# City of Seattle

Office of City Auditor  
Susan Cohen, City Auditor

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March 18, 2002

The Honorable Greg Nickels  
Seattle City Councilmembers  
City of Seattle  
Seattle, Washington 98104

Dear Mayor Nickels and City Councilmembers:

Attached is our "Managing the Land Use Code Amendment Process" report. Our primary objective was to determine whether the Department of Design, Construction and Land Use (DCLU) could produce high quality products in a more predictable and reasonable timeframe. During the past few years, the amendment process has become highly complex, and the volume of the Land Use Code Unit's work has outgrown its systems for managing workload and supporting planning staff. Significant study findings include:

- **DCLU needs to continue enhancing its project management systems to better control workload and ensure completion of high quality products in a predictable and timely manner.**
- DCLU needs to take the lead in establishing a more formal communication system among essential participants in the Land Use Code amendment process.
- DCLU needs to continue strengthening its internal management structure and continue designing and implementing staff training and support systems including standards, small work teams, and availability of experts for consultation.

We appreciate DCLU's excellent cooperation during the review. The DCLU Executive Response indicates concurrence with the study findings and that progress has been made on implementing the recommendations. If you have any questions regarding this report or would like additional information, please contact me at 233-1093. To improve our work, we ask our readers to complete and return the evaluation form at the back of this report.

Sincerely,

Susan Cohen  
City Auditor

SC:JK:tlb

Attachment



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## EXECUTIVE SUMMARY

We performed this collaborative study to determine whether the Department of Design, Construction and Land Use (DCLU) could enhance the Land Use Code amendment process to produce high quality products in a more predictable and reasonable timeframe. We concluded that DCLU produces high quality research and analysis on a wide array of land use and environmental topics and issues. Over the years, however, the amendment process has become highly complex, and the volume of the Land Use Code Unit's work has outgrown its systems for managing workload and supporting planning staff. DCLU needs to implement system enhancements to better position itself to respond to emerging opportunities and constraints.

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### **DCLU Needs to Continue Enhancing its Project Management Systems to Better Control its Current Workload and to Ensure Completion of High Quality Products in a Predictable and Timely Manner.**

The Land Use Code Unit's current workload would take approximately two years to complete, and additional projects are frequently proposed for inclusion in its annual work program. To handle its annual workload without additional staff resources, DCLU needs to systematically assess and manage projects by:

- Estimating project size in terms of complexity and number of hours to devote to it;
- Determining project priorities;
- Scheduling work on the project; and
- Monitoring progress.

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### **DCLU Needs to Take the Lead in Establishing a More Formal Communication System among Essential Participants in the Land Use Amendment Process.**

Although DCLU is ultimately responsible for delivering high quality reports and legislation for Council review or adoption, the Land Use Code Unit must rely on a team of City experts from the Law Department, Council staff, and other departments to conduct comprehensive reviews to ensure that City standards are met. The roles, responsibilities, and internal and external expectations of all City participants must be fully defined to assure comprehensive quality review, and lines of communication must be open and predictable.

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### **DCLU Needs to Continue Strengthening the Internal Management Structure and Staff Training Programs for the Land Use Code Unit.**

Since the overall level of staff experience has declined during the past few years, the Land Use Code Unit can no longer rely on the institutional memory of personnel or its informal monitoring systems to assure quality. Land Use Code planners need more training, formal standards, written procedures, project team support, and expert review than are now available to meet specific job expectations.

Significant recommendations for improving DCLU project management systems and for facilitating communication among essential participants include:

1. Prior to project initiation, experienced Land Use Code Unit planners should prepare a written evaluation of the project request and its implications for the Land Use Code Unit workload. The Land Use Code Unit Manager should approve the initial project evaluations and consult with experienced staff in DCLU and other agencies in preparing them.
2. DCLU should host a forum to discuss roles, responsibilities and expectations for all the participants that coordinate activities during the code amendment process. The forum should specifically consider procedures to address areas of interdepartmental concern and provide follow-up sessions to facilitate continuous process improvements.
3. The Land Use Code Unit, in cooperation with other essential participants, should develop a communications system to assist in initial project evaluations; communicate the results of initial evaluations with the elected officials or agencies requesting the amendment; facilitate follow-up at agreed points in the process; apprise participants of changes; assure effective response to requests through the Council review; and continuously monitor the effectiveness of the system.
4. DCLU should create a formal priority system for all amendment projects that objectively quantifies risks and analyzes the consequences of failing to complete the projects within the timeframes expected. DCLU should also institute a more formal system to track project and staff progress on assignments. Milestones should be established within the system to provide early identification of likely changes in due dates so Councilmembers and other essential participants may adjust project schedules and workloads as necessary.
5. The Land Use Code Unit should continue designing and implementing staff training and support systems including standards, small work teams, and availability of experts for consultation.
6. The Land Use Code Unit should formalize its project monitoring procedures for staff effectiveness, quality of legislative products, and DCLU's overall performance in guiding the legislation through the review and adoption process.



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## CHAPTER 1: INTRODUCTION

We performed this study of DCLU to determine whether the department can enhance the Land Use Code amendment process to produce high quality products in a more predictable and reasonable timeframe. We developed our findings and recommendations in collaboration with DCLU and the Land Use Code and Policy Development Unit (Land Use Code Unit) management. The findings address the comments of more than 30 City officials, managers, and staff who extensively interact during the code amendment process.

Our general conclusion is that DCLU produces high quality research and analysis on a wide array of land use and environmental topics and issues. Over the years, however, the amendment process has become highly complex, and the volume of the Land Use Code Unit's work has outgrown its systems for managing workload and supporting planning staff.

DCLU needs to implement system enhancements to better position itself to respond to emerging opportunities and constraints.<sup>1</sup> Potential improvements include:

- Enhancing project management systems to project, prioritize, schedule, and monitor workload to ensure its completion in a more predictable and timely manner.
- Establishing a more formal communication process given the extensive interactions of essential participants from DCLU, the Mayor's Office, the City Council, other executive departments, and the Law Department to collaborate on proposed code amendments.
- Strengthening the internal management structure and training programs for Land Use Code Unit staff to enable them to more effectively analyze and prepare amendments to the City's complex and highly technical Land Use Code.

Examples and advantages of more formalized control mechanisms to manage DCLU's Land Use Code workload are identified in Chapters 2 through 4 of this review.

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## THE LAND USE CODE UNIT

**History and Objectives.** The City established the Land Use Code Unit more than twenty years ago to develop a new Land Use Code. The Land Use Code, added as a new chapter of the Seattle Municipal Code, regulates zoning, subdivision, shorelines, and land use permit processes. The Unit was organized within the former Department of Community Development until 1982 when the City Council adopted legislation transferring it to the new Department of Construction and Land Use.

The Land Use Code Unit's primary work is developing and analyzing potential amendments to the City's highly complex land use and environmental regulations, including the City's Land Use Code, State Environmental Policy Act (SEPA) Ordinance, and its Critical Areas Ordinance. A predominant portion of the Land Use Code Unit's workload is generated by requests for

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<sup>1</sup>Emerging constraints include a substantially expanded workload, issues concerning staff attrition and retention, and competing priorities among elected officials and other agency partners in the code and policy development process.

amendments to the Land Use Code from elected officials, other City agencies and interest groups.

The Land Use Code Unit's objective is to develop policy analyses and code amendments fairly, objectively and within expected timeframes to enable the Mayor and City Council to serve the public interest when acting on proposed legislation. To this end, the Unit seeks to ensure that the analyses and amendments consider a variety of perspectives. In their analyses, the Land Use Code Unit staff must consider the long-term costs associated with implementing, administering and enforcing the amendments, as well as how best to achieve public policy objectives.

**Current Staffing.** Currently, the Land Use Code Unit has 7.5 full-time equivalent positions (FTEs) classified as land use planning and development analysts (planners),<sup>2</sup> and one temporary employee who performs similar work. One of the planners is paid as a supervisor and another as a senior planner.<sup>3</sup> The planners currently report to the Land Use Code Unit Manager, who reports to the DCLU Deputy Director of External Relations. The Land Use Code Unit Manager joined the Unit during its inception and has managed it since 1987.

According to the Unit Manager, planners require approximately three to five years' experience to gain full proficiency in code development due to the complexity of the land use regulations. However, four of the nine planners in the Land Use Code Unit were hired after January 1999. The Land Use Code Unit has only two long-term planners with more than ten years of experience working with the City's Land Use Code and policy development. Three full-time employees, two with extensive experience, have left the Unit since 1999.

**The Land Use Code.** The Land Use Code's internal complexity and its relationship to other laws create challenges for successful legislative amendments. The thousand-page code contains regulations for more than 30 separate zones. Generally, an amendment to one section of the code gives rise to changes in numerous other sections, even if only to maintain consistency between the existing and new language. Land use regulations must also be consistent with the City's Comprehensive Plan and state code requirements. Few DCLU employees claim expertise in administration and interpretation of the Land Use Code.

**Workload.** Amendments to the City's land use and environmental regulations comprise approximately 80 percent of the Land Use Code Unit's workload, which increased markedly during the past few years.<sup>4</sup> Since the adoption of the first chapters of the Land Use Code in 1982,<sup>5</sup> the City Council has passed ordinances to amend it every year. The City Council adopted the first two ordinances amending the code in 1982, the same year the initial code chapters were enacted. By the mid-1980s, the Council adopted as many ordinances amending existing code language as ordinances completing new code provisions. From 1988 until 1999, the City enacted between approximately 10 and 25 amendments annually.

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<sup>2</sup>The position classification is under review by the City Council for a possible change in title and compensation.

<sup>3</sup>The supervisor's time has been almost exclusively devoted to interdepartmental efforts related to federal environmental regulations, severely limiting the time available for supervision.

<sup>4</sup>Planners also play an important role in code implementation. For example, they may draft Director's Rules to formalize procedures and participate in staff training.

<sup>5</sup>The Land Use Code was to be adopted in phases over a period of several years.

In 1999, the City adopted new neighborhood plans that required new regulatory language and rezones, which resulted in more than 35 code and map amendments.<sup>6</sup> From 1999 to December 2001, the Land Use Code Unit added 104 new items to its work program; in January 2002, 48 projects were in process or awaiting assignment.

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## THE CODE AMENDMENT PROCESS

The context in which the Land Use Code is amended is broader and more complex than one department with its own clear lines of responsibility and authority. The process extends across multiple branches of City government, and no one participant controls the entire process. Policy goals and desired political outcomes may not be aligned and can result in contention among the participants.

Land use amendments may also create legal consequences for the City. Land use regulations often have a direct and substantial impact on the value of property, which makes them particularly susceptible to legal challenge and judicial scrutiny. The work of the Land Use Code Unit must be considered within the context of this very complex environment.

**Participants.** The Land Use Code Unit is the central point of a process that always involves at least four other participants: DCLU's Operations Branch planners, who administer and interpret the code; the City Clerk's office; the Law Department; and the elected City Councilmembers and their personal legislative assistants.<sup>7</sup> Council Central Staff, which analyzes policy changes for the Council as a whole rather than for any individual Councilmember, is assigned to work on a substantial majority of code amendments.

**Legal Framework.** The code amendment process is partially set forth in law and formal rule. For example, many of the City Council's and DCLU's procedures are regulated by State law, the Land Use Code, and Council Rules and Director's Rules. Other elements of the code amendment process are set forth in less formal documents, such as a City Council President's memorandum requiring Law Department review of amendments or DCLU's code amendment checklist. Much of the process is based on convention and history, and varies from one project to another.

**Steps in the Amendment Process.**<sup>8</sup> The code amendment process has numerous steps. In general, the process is initiated by a request from an agency or elected official for a specific amendment or a more general study. Project assignments may be broadly defined at the outset and then broken into a number of smaller projects over time.<sup>9</sup> The assignments generally include

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<sup>6</sup>The neighborhood planning process results in requests for Comprehensive Plan amendments each year. Some of these requests are more appropriately treated as code amendments, and will likely prove to be a continuing source of new work. An example of code work arising from this process is Resolution 30414, requiring DCLU to include studies of commercial master plans and automobile-oriented zones in its 2002 work program.

<sup>7</sup>While DCLU is generally the lead participant, other agencies may also be assigned lead responsibility for some policy development and code amendment projects.

<sup>8</sup>This description is a general summary of the process. Variations can occur at many stages, depending upon the complexity of the legislation and the level of public interest and controversy.

<sup>9</sup>For example, a project that begins as "analysis of Endangered Species Act responses" may ultimately become a series of amendments to different land use and environmental regulations.

research, writing the legislation itself, and producing an accompanying report.<sup>10</sup> The timeframe to complete the analysis ranges from a few weeks to more than a year. In most instances, the planners circulate their work to other executive departments, the Law Department and Council Central Staff before releasing it for public review. Planners generally seek public input before the final, code-required public review.

When an environmental review is completed, DCLU prepares the required public notices and submits the legislation and report to the Law Department.<sup>11</sup> The Law Department is responsible for reviewing legislation for proper format, consistency with other land use regulations, and legal or constitutional implications. When the legal review is complete, the reviewing attorney forwards the legislation to the City Clerk, who prepares it for Council Committee action. In the past few years, proposed code amendments have been assigned to as many as six Council Committees for review and recommendation to the full Council.

Once the proposed amendment is forwarded to the Council for review, it is not unusual for new issues to emerge, or for citizens to revisit issues that City staff or community groups thought were resolved.<sup>12</sup> Council Central Staff may prepare a separate report or decision agenda at this point in the process. If, following the public hearing, the Council Committee requests amendments, Central Staff analysts generally work with Land Use Code Unit planners to prepare them. Finally, the Council Committee recommends action to the full Council. The full Council may adopt the ordinance in the form recommended by the Committee or may require further amendments.

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## **Study Scope and Methodology**

We analyzed the Land Use Code Unit's workload from 1999 through mid-December 2001. The analysis included reviews of all pertinent laws and procedures as well as more than 40 interviews with City and other agency officials, managers and staff. (Please see Appendix 1 for interview list.) The focus of our analysis is on the development of management controls to guide the highly complex Land Use Code amendment process.

We chose an analytical model created by the Canadian Institute of Chartered Accountants (CICA), "Guidance on Control," as a framework for the analysis. The control model addresses two fundamental risks that are generally not emphasized in other control models: failure to maintain the organization's capacity to identify and exploit opportunities; and failure to maintain the organization's resilience, such as the capacity to respond and adapt to unexpected risks and

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<sup>10</sup>The Director's Report, required by code for most Land Use Code amendments, presents a description of the proposal and an analysis. It is intended both as a document to inform decision makers and a record of legislative history and intent.

<sup>11</sup>In most instances, this determination results in a Declaration of Non-Significance (DNS) rather than a requirement that an environmental impact statement (EIS) be prepared. If an EIS is required, the amendment process cannot be completed until the impacts are identified and appropriate mitigation measures are incorporated.

<sup>12</sup>A requested code amendment to raise the height of athletic field lights is an example of citizens raising unanticipated issues being raised late in the review process. While the initial legislation focused on the height of the field lights, the public raised concerns about allowing any lights on athletic fields during the Council review process. City staff was required to prepare new analysis, which delayed the process and ultimately resulted in substantially different legislation. This resulted in the need to reschedule Council Committee action and send out new public notices.

opportunities. These risks are particularly important to the Land Use Code Unit because its work is primarily generated from sources outside DCLU.

This report uses the CICA definition of "control," which is a system comprising those elements of an organization (resources, systems, processes, culture, structure and tasks) that, taken together, support people in the achievement of organizational objectives. Control is effective if it reasonably assures that the organization will achieve its objectives. It includes identifying and mitigating risks or barriers to achieving the organization's objectives and maintaining its viability. We applied the CICA criteria to evaluate the effectiveness of DCLU's management system in four areas: purpose, commitment, capability, and monitoring (please see Appendix 2 for relevant criteria). Our analysis questioned whether DCLU controls adequately mitigate risks to achieving its objectives. A list of potential risks and controls addressed in our analysis is presented at Appendix 3.

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## CHAPTER 2: MANAGING CODE DEVELOPMENT WORKLOAD

DCLU needs to enhance its project management systems to better control its current workload and to ensure completion of high quality products in a predictable and timely manner. The Land Use Code Unit's current workload would require approximately two years to complete based upon available staffing resources. New project assignments that surface must continuously be merged into the existing workload. The effect is that the Land Use Code Unit has more work than staff can reasonably process. Since the City Budget Office is unlikely to recommend additional personnel due to City revenue constraints, some work will be deferred, and some projects will not be completed. To handle the current workload volume without additional staff resources, DCLU needs to systematically assess and manage the proposed and existing projects based on the following elements:

- Estimating project size in terms of complexity and number of hours to devote to it;
- Determining project priorities;
- Scheduling work on the project; and
- Monitoring progress.

Continuous, systematic assessment of the workload would provide better control and predictability of workflow. It would also provide the basis for strengthened communications for other participants who have key roles in the land use amendment process, thereby facilitating the level of review required to maintain high quality products.

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### **The Land Use Code Unit Could Improve the Amendment Process Through Better Assessments of Project Size and Time Estimates for Project Completion.**

The Land Use Code Unit's project management systems are not consistently reliable, resulting in frequent scheduling difficulties for other key participants in the process. Two linked factors contribute to this condition:

- **Project Definition.** At the inception of a project, neither the official requesting the work nor the Land Use Code Unit personnel may fully understand its complexity. For example, the initial request may be for an amendment that presents legal or policy issues. If potential project issues are identified early, the Land Use Code Unit Manager can determine whether alternatives need to be developed to achieve the desired result. If the project is added to the work program without an adequate definition of the issues, the estimated time requirements are likely to be understated.

Well-developed project definitions generally require the involvement of experienced DCLU planning staff, who are familiar with the code and amendment process. Consultations with other experts, such as land use attorneys and policy planners, also enhance the quality of project definitions.

- **Time Estimation.** The Land Use Code Unit's method for determining the number of hours to be assigned to projects is based on a range that has not been tested by recent data. Thus, even if the complexity and extent of the project analysis have been correctly determined, the

Land Use Code Unit may be unable to accurately estimate time requirements. Factors beyond DCLU's early knowledge or control may also cause inaccurate time estimates. For example, policy differences between the Executive and Council may not become apparent until much later in the process. These differences may generate substantial staff work, negating the assumptions underlying the original time estimate.

DCLU is addressing the project definition and time estimation issues. The Land Use Code Unit Manager is developing a formal project definition system that will identify issues, participants and anticipated process steps at the onset of the project. The Unit Manager is also focusing on improving the accuracy of time estimates based on more reliable historical data. (A list of projects and hours estimated for completion is attached as Appendix 4.)

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## **Recommendations**

1. Prior to project initiation, experienced Land Use Code Unit planners should prepare a written evaluation of the project request and its implications for the Land Use Code Unit workload. The evaluation should consider the following elements:
  - Desired outcome;
  - Legal, policy, and operational issues readily apparent from the change requested;
  - Level of analysis required to evaluate alternatives;
  - DCLU staff and other key participants who should be involved in the work and the nature of their responsibility; and
  - Estimated time needed to complete the project for Council action, estimated date for submittal to Council, and estimated date for Council completion.
2. The Land Use Code Unit Manager should approve the initial project evaluations. The Unit Manager should also consult with experienced DCLU Operations Branch staff, who administer and interpret the code, and other agencies in preparing the evaluation.
3. DCLU should choose a sample of projects to track work hours from project inception through project completion to improve time estimates. Work hours should be tracked for all DCLU personnel who spend time on the project.

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## **The Land Use Code Unit Would Benefit from a Risk-Based Priority System.**

The Land Use Code Unit has 48 policy analyses and code amendment projects identified on its current work program. At least four major projects could easily evolve into a number of smaller projects, and the total number of projects could exceed 60 when the larger projects are fully defined. As noted earlier, new project requests combined with the existing workload will outpace the planning resources available to process the workload, so a risk-based priority system is essential to ensure that the most important projects are given the highest consideration.

The Mayor, City Councilmembers, City departments, and the general public all request code amendments. Some amendments are legally mandated, while other amendments are requested as part of extensive programs, such as the City's neighborhood planning effort and responses to Endangered Species Act issues. Specific construction and land use development applications

may also give rise to amendment requests if developers cannot proceed as planned due to technical code issues. Legislative agendas of individual policy makers or interest groups also lead to amendment requests. Code amendments are generally very important to the person or group requesting them. Elected officials and other requestors often want new projects to be given immediate priority for completion.

The Land Use Code Unit has an informal priority system to determine the order of project assignments. However, the Unit could establish a more systematic process based on precise legal, political and operational considerations to assure that the most important work will be attended to first. The Unit could develop priority system rankings based upon the consequences of not completing projects within reasonable timeframes. DCLU needs to consider the following risks in establishing a priority system for project requests:

- Missed deadlines resulting in penalties or invalidation of permit decisions;
- Significant delays on projects that may cause City officials to assign or re-assign amendment projects to other agencies without the required code expertise to develop sound legislation;<sup>13</sup>
- Lost beneficial development opportunities due to slow amendment processes;
- Irreversible impacts if studies are completed too slowly to address the potential problems associated with undesirable development;
- Missed opportunities for administrative simplification and cost savings in DCLU operations; and
- Unmet community expectations for improved land use administration.

A priority system using appropriately weighted risk factors could ease decision-making to match resources to workload. Each pending project could be evaluated for the risks of failing to complete it. For example, if Washington State requires cities to amend their shoreline regulations by a stated deadline to conform with new state requirements, the amendment should be given priority. Assigning different risk factors as well as weights to proposed projects allows decisions about priority to be partially based on a quantified risk assessment. This quantified approach would also be useful to inform discussions as future priority adjustments are required to accommodate new project requests. (Please see Appendix 5 for a sample matrix assigning risk factors to pending Land Use Code Unit projects.)

We recognize that priority setting will continue to be challenging and will require the Land Use Code Unit to continue to exercise judgment in making the final assignment decisions. Complex relationships between the Executive and Council, and among the Council committees involved with land use and environmental work, will also require DCLU to exercise discretion in advancing code amendment projects. However, objective factors and risk analysis will be useful in deliberations with decision-makers when it is impossible to move all high priority projects forward simultaneously.

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<sup>13</sup>DCLU may have to prepare amendments to correct errors made by other agencies that initiate code amendments. For example, changes to one area of the Land Use Code almost always require revisions in other areas, which may only be apparent to experts. In addition, since the code is always in flux, there is a danger of amending the wrong version of the code.



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## **Recommendation**

4. DCLU should create a formal priority system for all amendment projects that includes the quantified risks and objective analysis of the consequences of failing to complete the projects within the timeframes expected.

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### **The Land Use Code Unit Could Benefit from a More Formal Scheduling System.**

Failure to meet schedules can cause missed deadlines, disruption of Council Committee work and inconvenience to the public. Since Council Committees typically meet only twice a month, and strict rules govern notice of pending actions, a missed deadline for proposed legislation by even a day can result in a delay of several weeks for a Council Committee. If legally imposed deadlines are missed, the City may also incur penalties and monetary damages.

Although DCLU planners and Council legislative assistants informally confer in scheduling, the Land Use Code Unit is often the driver in establishing the initial schedules for Committee consideration. Once the date is selected, the Land Use Code Unit Manager sets the internal project schedule with delivery to Council as the end date. (Please see Appendix 6 for a list of factors the Land Use Code Manager considers when establishing project milestones.) Legally required timelines are consistently built into the schedule; for example, notice of a Council hearing must be published at least thirty days prior to the hearing date. The project schedule also includes time allowances for Law Department review. Other benchmarks and review points vary from project to project.

Creating a more formal scheduling process and involving other participants in the scheduling process would serve two purposes. First, such a scheduling system would increase predictability for the Council because schedules would be established through a deliberative procedure with coordination among different participants. Other participants could plan and adjust their workloads with more certainty. Second, documented schedules and communications concerning proposed schedule changes would foster an atmosphere of predictability and mutual trust. Other participants in the process would be informed and know the reasons for delays in advancing projects.

The Land Use Code Unit is considering a more formal scheduling system in which each planner will use the same scheduling model. The model will take into account the relative inexperience of some staff by establishing check-in points with the Land Use Code Unit Manager or senior staff to allow course corrections to avoid expending too much time on a questionable solution. (Please see Chapter 4 for further discussion of staff support and monitoring.) At the same time, the model would provide better tracking and accountability of project and staff progress, regardless of whether DCLU is or is not the lead participant for the project.

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## Recommendation

5. DCLU should institute a more formal system to track project and staff progress on assignments. Milestones should be established within the system to provide early identification of likely changes in due dates so Councilmembers and other essential participants may adjust project schedules and workloads as necessary.

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### **The Land Use Code Unit Could Expand Its Project Monitoring and Oversight to Improve Quality Assurance, Expedite Project Progress, and Evaluate Unit Effectiveness.**

The Land Use Code Unit monitors the quality of work products throughout the code development process, although the focus and importance of project monitoring shifts depending upon the nature of the project, experience of the analyst, and phase in the code development and review process. More formal monitoring and oversight practices could be useful in evaluating staff performance, the quality of the legislation as it progresses through the system, and the performance of DCLU in guiding the legislation through the system.

During the code development phase, the Land Use Code Unit monitors each product to ensure that it is ready for public review. The Land Use Code Unit manager must ensure that the proposed legislation is reviewed for clarity, precision, technical conformance, policy conformance, administrative workability (with input from all DCLU operations personnel) and legality.<sup>14</sup> The Land Use Code Unit manager must also be satisfied that the accompanying report includes the level of analysis appropriate to the issue and meets the Unit's standards prior to the formal public comment period.

During the interdepartmental and Council review phase, legislative changes may extemporaneously evolve. Therefore, the Unit Manager must assure that staff is present that can exercise independent judgment without higher level management review. If circumstances permit, the Unit Manager will again review new or amended legislation during the interdepartmental and Council review phase to ensure standards are met.

The Land Use Code Unit does not have a formal system to debrief or evaluate the effectiveness of its work during and subsequent to Council action. Since the amendment system stretches across many department boundaries, the Unit's effectiveness within that environment needs to be formally and periodically tested.

The Land Use Code Unit could strengthen its systems by refining project monitoring procedures. For example, the Land Use Code Unit could:

- Monitor external and internal procedures to determine whether there is a need to realign the organization's objectives or control. The Land Use Code Unit could institute follow-up procedures, such as establishing a system for feedback after Council action on a sample of amendments.

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<sup>14</sup>The Land Use Code Unit Manager and a variety of other participants perform this review, as discussed in Chapter 3.

- Monitor each planner's performance against measurable targets and indicators identified in the organization's objectives and plans.
- Routinely incorporate subsequent adjustments to the process based on specific project performance and feedback.

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**Recommendation**

6. The Land Use Code Unit should formalize its project monitoring procedures for staff effectiveness, quality of legislative products, and DCLU's performance in guiding the legislation through the review and adoption process.
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## CHAPTER 3: INTERDEPARTMENTAL ISSUES

Although DCLU is ultimately responsible for delivering high quality reports and legislation ready for Council review or adoption, the Land Use Code Unit must rely on a team of City experts to conduct comprehensive reviews to ensure that City standards are met. The roles, responsibilities, and internal and external expectations of all City participants must be fully defined to assure comprehensive quality review.

Through a formal communications structure, the Land Use Code Unit and other participants can:

- Support the City's values and standards in achieving land use objectives.
- Provide sufficient and relevant information in a timely manner so participants can perform their assigned responsibilities. Processing the work is difficult without progress and status information, particularly when many participants have substantial workloads.
- Coordinate the decisions and actions of various organizational units within and outside DCLU so the process results in a product that reflects all necessary reviews.
- Foster an atmosphere of mutual trust to promote the flow of information between staff and to promote effective performance toward achieving the City's objectives. An absence of trust can lead to unnecessary duplication of effort and delay if any of the participants are concerned that other process steps were not performed.

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### **The Land Use Code Unit Needs to Implement a Formal Communications Structure for Process Participants.**

Land Use Code Unit planners interact with DCLU Operations staff, the Law Department, Council staff, and other City departments in various ways on different projects. Neither DCLU nor any other City agency can control the entire process or the participants with key roles in the process. Thus, it is vital to develop a mutually agreed upon communications system to effectively coordinate all participants and activities required for a successful amendment process.

In the past, the Land Use Code Unit relied upon a checklist identifying points when external reviews were required, but no specific procedures were available to guide communications among the various parties. Communications rested largely upon the participants' personal work styles, and did not consistently occur at defined critical points within the process.

Communication is vital because DCLU's Land Use Code Unit staff alone cannot provide the level of quality assurance required by the Council without an inclusive process. During extensive interviews with the participants, the interviewees reported that processes were successful when communications were open and clear. Coordination among the other participants in the process is imperative to avoid the following process failures:

- Dissemination of legislation and reports to the Council that have not been, or do not appear to have been, reviewed by all other affected parties;
- Narrowly focused legislation perceived to reflect a single point of view or a non-comprehensive set of alternatives;

- Process steps that may be repeated due to important legal and policy considerations that are not addressed until late in the process; and
- Miscommunications that surface when participants do not have the information necessary to do their jobs.

DCLU can realize the full benefits of the project management system improvements discussed in Chapter 2 only if key participants are continually apprised of decisions regarding project definition, timing, priority, and schedules. Interviewees identified the following communication points as critical to successful land use amendment processes:

- **At project inception** to define the project, estimate its size, determine its priority level, and schedule the work.
- **When project definition and scheduling has taken place** to confirm the project's status, definition, and possible completion date with the requestor.
- **When project definition, size, or scheduling is likely to change** to keep others apprised of issues as legislation approaches Council consideration, and to plan work and presentations collaboratively.
- **During the Council consideration process** to ensure that roles and assignments are clear if additional analysis is requested or amendments are proposed.
- **At any point agreed upon in the original schedule.**

Inclusive and comprehensive project planning can promote rapid identification of process issues or barriers. In addition, the Land Use Code Unit and other participants can more easily make process adjustments when they are able to determine whether issues or barriers are situational or systemic.

DCLU's role in advancing legislation through the complex City system is pivotal. To be fully effective, DCLU and the participating agencies must work collaboratively toward overall process improvements. The CICA model, described in Appendix 2, addresses the importance of communications and is relevant to the coordination of participant activities in the code amendment process. The model describes the control activities that should be designed as an integral part of the process, considering its objectives, the risks to their achievement, and the inter-relatedness of control elements.

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## Recommendations

7. DCLU should host a forum to discuss roles, responsibilities and expectations for all the participants that coordinate activities during the code amendment process. The forum should specifically consider procedures to address areas of interdepartmental concern and provide follow-up sessions to facilitate continuous process improvements.
8. The Land Use Code Unit, in cooperation with other essential participants, should consider a communications system to accomplish the following:
  - Include all necessary participants in a given project (e.g., Law Department attorney, Strategic Planning Office planner, Central Staff analyst, Council legislative assistant, DCLU Operations staff) in performing the initial evaluation and defining project scope;

- Promote exchanges on the results of the initial evaluation and scoping process with the elected official or agency requesting the amendment;
  - Facilitate follow-up with the requestor and other participants at agreed points in the process;
  - Keep all participants apprised if changes in substance or timing occur;
  - Assure effective response to requests for additional analysis or amendments through the Council review; and
  - Monitor the efficiency and effectiveness of the system, at least for a sample of projects, on a periodic basis.
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## CHAPTER 4: SUPPORTING LAND USE CODE PLANNERS

The Land Use Code Unit can no longer rely on the institutional memory of personnel or its informal monitoring systems to assure quality. Since 1999, DCLU has lost two experienced, senior Land Use Code Unit planners and has hired new, less experienced planners to accommodate its expanding workload demands. Overall, the Land Use Code Unit has staff with less knowledge than the former staff of the unusually complex Land Use Code and its administration.

Since DCLU is responsible for ensuring that current staff possesses the necessary knowledge, skills and tools to support the achievement of the organization's objectives, it must adjust its quality assurance systems. Land Use Code planners need more training, formal standards, written procedures, project team support, and expert review than are now available to meet specific job expectations.

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### **DCLU Needs to Continue Strengthening Its Internal Management Structure and Training Programs for Land Use Planners.**

The experience level of the Land Use Code Unit staff has declined during the past few years. The relative inexperience of staff combined with the increasing complexity of the code and amendment process creates a need for more extensive control systems to support newer staff. Clearly articulated standards, procedures, a review process, staff training and the availability of technical expertise and program oversight are needed to fully support planning staff.

DCLU is fostering an environment to support employees in acquiring the knowledge and skills they need to do their jobs effectively. The following finding contains additional considerations for DCLU to fully support the Land Use Code Unit planning staff.

**Training.** DCLU management is currently working with a consultant team to develop extensive training to meet the specialized needs of land use and other planning staff. DCLU now offers its planning staff opportunities to attend meetings, workshops and seminars relevant to their work. DCLU also uses staff meetings as a forum to provide informal education and training.

**Standards and Procedures.** The Land Use Code Unit is developing standards to define and guide the quality of its work. The Unit will incorporate the Legislative Department's drafting standards into the Unit's new procedures manual as well as standards for Director's Reports, which are currently in draft form. The new procedures manual will significantly expand the procedures checklist that planning staff use to guide their work.

**Expertise and Team Approaches.** Producing high quality legislation and analysis requires a mix of knowledge and skills, so a team approach may be appropriate to advance some projects. Planners are expected to have a basic understanding of planning principles, land use law, urban design, the Land Use Code, permit procedures, and amendment procedures. They are also required to possess a mix of skills including analysis, report writing, public speaking,

interpersonal relations, research, computer applications (e.g., geographic information and drafting systems) and technical legislative drafting.

The Land Use Code Unit needs to consider creating multi-disciplinary teams, enabling planners to emphasize the areas in which they have the greatest expertise. For example, one planner, who is an expert in urban design, is assigned to independent urban design projects as well as to team projects with urban design elements. The Land Use Code Unit planners have expressed strong interest in exploring and expanding team approaches. In some cases, however, planners will have to develop new expertise or have access to expert consultants to produce high quality analysis or legislation.

**Staff Retention.** Staff retention is a critical goal for the City and DCLU given the extensive investment required to train professional personnel. Staff retention will become increasingly important as DCLU invests in additional training and support systems for its planning personnel. The City Council is currently considering a revised classification and compensation proposal for the Land Use Code planning staff to promote equity with comparable City positions and to increase retention rates for its personnel. As discussed above, effective staff support systems and oversight will be needed in addition to appropriate compensation to retain experienced land use planners.

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## **Recommendations**

9. The Land Use Code Unit should continue designing and implementing staff training and support systems to accomplish the following:
    - Develop an atmosphere conducive to retaining staff given the competition from other departments for skilled planners;
    - Establish standards and procedures for the legislation and accompanying reports to guide the required level of discussion of alternatives, advantages and disadvantages, and description of public and agency input;
    - Provide a training program specific to the Land Use Code Unit;
    - Create small work teams with specialized experts such as designated legislative drafting experts; and
    - Ensure that other experts are available for consultation when needed by planners.
-



**APPENDIX 1  
LAND USE CODE AMENDMENT PROCESS  
INTERVIEW LIST**

**COUNCILMEMBERS**

Richard Conlin  
Jan Drago  
Richard McIver  
Judy Nicastro  
Peter Steinbrueck

**DCLU STAFF**

Diane Sugimura, Acting Director and Director of External Relations Branch  
Rick Krochalis, Former Director  
Wendell Bowerman, Chief Financial Officer

**Land Use Code Unit** (Present and Former Employees)

John Skelton, Unit Manager  
Diane Althaus  
MaryBeth Binns  
Ken Davis  
Roque Deherrera  
Michael Kimelberg  
Kristian Kofoed  
Cliff Marks  
Jory Phillips  
Mike Podowski  
Pierre Rowen  
Mark Troxel

**Internal Operations Branch**

Cliff Portman  
Andy McKim  
Alan Oiye

**LAW DEPARTMENT**

Margaret Klockars  
Judy Barbour  
Bob Tobin

**APPENDIX 1 (continued)**  
**LAND USE CODE AMENDMENT PROCESS**  
**INTERVIEW LIST**

**COUNCIL LEGISLATIVE ASSISTANTS**

Jill Berkey  
Dan McGrady  
Neil Powers  
Phyllis Shulman

**COUNCIL CENTRAL STAFF**

Mary Denzel, Director  
Bill Alves  
Geri Beardsley  
Patricia Lee  
Martha Lester  
Bob Morgan

**CITY CLERK'S OFFICE (Group Discussion)**

Judith Pippin, City Clerk  
Margaret Carter  
Ernie Dornfeld  
Theresa Dunbar

**STRATEGIC PLANNING OFFICE**

Teresita Batayola, Assistant Director, Comprehensive and Neighborhood Planning

**OTHER JURISDICTIONS**

**King County Washington**

Bruce Ritzen, Code Reviser, Office of Clerk of the Council  
Harry Reinert, Special Projects Manager, Department of Development Services

**Bellevue, Washington**

Mary Kate Berens, Legal Planner, Department of Planning and Community Development

**Portland, Oregon**

Douglas Hardy, Senior Planner, Case Review, Office of Planning and Development Review

**APPENDIX 2**  
**CANADIAN INSTITUTE OF CHARTERED ACCOUNTANTS**  
***GUIDANCE ON CONTROL CRITERIA***

***PURPOSE***

- A1 Objectives should be established and communicated.
- A2 The significant internal and external risks faced by an organization in the achievement of its objectives should be identified and assessed.
- A3 Policies designed to support the achievement of an organization's objectives and the management of its risks should be established, communicated and practiced so that people understand what is expected of them and the scope of their freedom to act.
- A4 Plans to guide efforts in achieving the organization's objectives should be established and communicated.
- A5 Objectives and related plans should include measurable performance targets and indicators.

***COMMITMENT***

- B1 Shared ethical values, including integrity, should be established, communicated and practiced throughout the organization.
- B2 Human resource policies and practices should be consistent with an organization's ethical values and with the achievement of its objectives.
- B3 Authority, responsibility and accountability should be clearly defined and consistent with an organization's objectives so that decisions and actions are taken by the appropriate people.
- B4 An atmosphere of mutual trust should be fostered to support the flow of information between people and their effective performance toward achieving the organization's objectives.

***CAPABILITY***

- C1 People should have the necessary knowledge, skills and tools to support the achievement of the organization's objectives.
- C2 Communication processes should support the organization's values and the achievement of its objectives.
- C3 Sufficient and relevant information should be identified and communicated in a timely manner to enable people to perform their assigned responsibilities.
- C4 The decisions and actions of different parts of the organization should be coordinated.
- C5 Control activities should be designed as an integral part of the organization, taking into consideration its objectives, the risks to their achievement, and the inter-relatedness of control elements.

**APPENDIX 2 (continued)**  
**CANADIAN INSTITUTE OF CHARTERED ACCOUNTANTS**  
***GUIDANCE ON CONTROL CRITERIA***

***MONITORING AND LEARNING***

- D1 External and internal environments should be monitored to obtain information that may signal a need to reevaluate the organization's objectives or control.
- D2 Performance should be monitored against the targets and indicators identified in the organization's objectives and plans.
- D3 The assumptions behind an organization's objectives should be periodically challenged.
- D4 Information needs and related information systems should be reassessed as objectives change or as reporting deficiencies are identified.
- D5 Follow-up procedures should be established and performed to ensure appropriate change or action occurs.
- D6 Management should periodically assess the effectiveness of control in its organization and communicate the results to those to whom it is accountable.

## **APPENDIX 3 RISKS AND CONTROLS**

### ***Risks***

If the Land Use Code and Policy Development Unit fails to attain its objectives, significant risks can occur. The following are example of important objectives that may be adversely affected if the risks are not controlled:

- Conformance with state law
- Quality of land use code administration
- Quality of legislation and analysis
- Effectiveness of the legislative process
- DCLU's effectiveness in attaining its overall departmental mission
- DCLU's relationships with elected officials

Examples of potential risks are categorized below:

#### *Conformance with State Law*

- Failure to adopt required legislation in time to meet legally prescribed deadlines
- Failure to meet requirements governing public notice
- Legislation that is inconsistent with the Land Use Code, Comprehensive Plan, or state law requirements

#### *Quality of Land Use Code Administration*

- Lost beneficial development opportunities due to slow amendment processes that could affect time-sensitive public improvements
- Irreversible impacts if studies are completed too slowly to address the potential problems associated with undesirable development
- Missed opportunities for administrative simplification and cost savings in DCLU operations

#### *Quality of Legislation and Analysis*

- Insufficient analysis to identify potential consequences of legislation
- Analysis that appears to advocate for a pre-ordained outcome
- Analysis that fails to address potentially conflicting viewpoints of elected officials
- Legislation that lacks precision or clarity

#### *Effectiveness of the Legislative Process*

- Missed deadlines for Council action
- Unintended delay and controversy at the end of the process when the legislation was expected to be ready for Council action

### **APPENDIX 3 (continued)**

#### **RISKS AND CONTROLS**

- Expending resources pursuing legislative alternatives that are poor legal, policy, or operation choices
- Significant delays on projects that may cause City officials to assign or re-assign amendment projects to other agencies without the required code expertise to develop sound legislation

#### *DCLU's Effectiveness in Achieving its Overall Departmental Mission*

- Failure to retain qualified staff
- Lost opportunities to increase staff expertise

#### *DCLU's Relationships with Elected Officials*

- Failure to meet expectations of the public, elected officials, or other agencies
- Lost opportunities to educate and inform elected officials

#### **Controls**

The following controls can minimize and in some circumstances avoid the risks listed above. Many of these controls already exist; some need to be formalized and strengthened. In many instances, the control addresses more than one risk.

- Formal systems for projecting project size, prioritizing, scheduling and monitoring, including:
  - Evaluation of proposals at the inception of the project to isolate issues, alternatives, and identify necessary participants
  - Communication among all necessary participants throughout the process
  - Internal review and monitoring of the product and its progress
  - Review by DCLU Operations staff, the Law Department, Strategic Planning Office and other executive agency staff
  - Public review
- Standards for notice, for legislative drafting and for reports, to include full discussions of options and conformance with Comprehensive Plan and statutory authority
- Expertise in legislative drafting and other technical skills
- Flexibility in staff assignment and team assignments
- Training and oversight
- Additional staff resources

**APPENDIX 4**  
**PROJECTS IN PROCESS AND AWAITING ASSIGNMENT**  
**AS OF JANUARY 2002**

The following is a list of the 48 projects in process or requested as of January 2002. The number of hours in an *estimate only* and is based solely upon understandings of the nature of the project as of early January 2002. Changes in project scope, unexpected controversy, or requests for evaluation of alternatives can all expand or contract the time needed. For projects in process, the number is an estimate of the work remaining to be done.

<b>PROJECT</b>	<b>ESTIMATED HOURS</b>
<b>Land Use Code and Policy Development</b>	
<b>120-day Ordinance.</b> Amend Code to reflect new state requirements.	60
<b>23rd and Union Legislative Rezone.</b> Evaluate and recommend rezone actions addressing neighborhood plan proposals.	500
<b>Accessory Dwelling Units.</b> Evaluate and recommend changes to code provisions allowing accessory dwelling units in owner-occupied dwellings.	300
<b>Automated Public Toilet (APT) Signs on Kiosks.</b> Devise regulations to enable signage to provide monetary support to APTs to be posted on kiosks in public spaces.	60
<b>Beacon Hill Legislative Rezone.</b> Evaluate and recommend rezone actions addressing neighborhood plan proposals.	400
<b>Ballard/Interbay/Northend Manufacturing/Industrial Center (BINMIC).</b> Implement recommendations of BINMIC Plan.	120
<b>Broadway Rezone.</b> Evaluate development options and proposals.	120
<b>Commercial Master Plan.</b> Pursuant to Council resolution, evaluate and recommend processes for long-range planning for commercial centers.	600
<b>Administrative Discretion.</b> Explore alternatives to enable administrative response to proposals that deviate minimally from code regulations.	480
<b>Community Centers.</b> Evaluate and recommend changes to definition and method of regulation of these uses in residential zones.	320
<b>Cottage Housing.</b> Evaluate regulations to allow broadened development opportunities for this use.	500
<b>Data Centers.</b> Evaluate appropriate regulations for this new concept in centralized data storage and networking uses.	240
<b>Design Review Amendments.</b> Evaluate the current design review process and neighborhood design guidelines to determine whether the process should be changed and whether amendments are necessary to the Citywide design guidelines. Scope is currently being defined.	400

PROJECT	ESTIMATED HOURS
<b>Eastlake Neighborhood Plan Implementation.</b> Evaluate and recommend changes to development regulations in the Eastlake neighborhood in response to neighborhood plan proposals.	480
<b>Greenwood Legislative Rezone.</b> Evaluate and recommend action concerning rezones addressing neighborhood plan proposals.	400
<b>Height Measurement.</b> Evaluate options for consolidating height measurement techniques.	240
<b>Housing Demonstration.</b> If the program is continued, proceed with another phase of project evaluations. If requested, re-evaluate scope of program and process.	600
<b>ID Legislative Rezone.</b> Evaluate and recommend action concerning rezones addressing elements of neighborhood plan.	600
<b>Interbay Overlay.</b> In association with BINMIC proposals and consistent with neighborhood recommendations consider overlay district.	320
<b>Lowrise 3/Lowrise 4 Study.</b> Complete consultant's study, and evaluate and recommend changes to regulations.	400
<b>Land Use Code Simplification.</b> Continue work mandated by Council resolution to consolidate and re-write sections of the Land Use Code to promote more effective and efficient land use administration. Project includes overall coordination of this effort as well as individual projects to be defined.	1000
<b>Minimum Lot Size.</b> Review and amend provisions governing minimum lot size in SF zones to account for two existing houses on one lot.	40
<b>Mixed Use Amendments/Single Purpose Residential.</b> Evaluate current location of areas prohibiting single-purpose residential development with possible extensive re-mapping; re-evaluate regulations. Consistent with Council Resolution to reevaluate auto-oriented zones in the city.	900
<b>Monorail.</b> Continue representing DCLU on interdepartmental team, prepare code analysis and possible code amendment work program, begin work on proposals as identified.	650
<b>Neighborhood Design Guidelines.</b> Continue working with neighborhood groups as staff or consultant to prepare neighborhood design guidelines.	450
<b>Northgate GDP Amendments.</b> Complete work on revisions to Land Use Code provisions regulating General Development Plan requirements.	40



<b>PROJECT</b>	<b>ESTIMATED HOURS</b>
<b>Omnibus.</b> Prepare annual legislation to address technical Land Use Code issues and clarification or correction of inadvertent errors or omissions.	300
<b>Parking Amendments.</b> Continue work on series of proposals intended to address different aspects of parking regulation.	600
<b>People's Lodge.</b> Prepare amendatory language resulting from settlement of legal action concerning permits for development of a new use in Discovery Park.	30
<b>Planned Development Regulations.</b> Re-evaluate and propose appropriate changes to sections of the Land Use Code regulating Planned Developments.	500
<b>Project Lift Off.</b> Continue work as liaison with interdepartmental team seeking to strengthen City support for high quality childcare.	40
<b>Public View Protection.</b> Define scope of a project to address a variety of concerns about view protection, particularly those raised during various neighborhood planning processes; perform analysis and evaluation and propose appropriate legislation once defined.	1000
<b>Rainier Beach Legislative Rezone.</b> Evaluate and recommend action concerning rezones addressing neighborhood plan proposals.	480
<b>Re-evaluate Pedestrian Districts.</b> Re-evaluate pedestrian district locations and regulations in light of recommendations made during neighborhood planning process and propose appropriate amendments.	480
<b>Right of First Refusal.</b> Complete work done in response to recent Washington State Supreme Court decision.	10
<b>Sign Manual/Code.</b> Revise and update City sign regulations and manual.	500
<b>South Lake Union Planning.</b> Undertake analysis necessary as City-led planning efforts continue.	240
<b>Sponsorship Signs.</b> Complete work to amend sign regulations as they relate to off premises signs intended to identify commercial sponsorship of City sports and cultural institutions.	120
<b>Street Improvement Manual.</b> Work with SeaTran to revise regulations on street improvements, recommending legislation if appropriate.	600
<b>Telecommunications.</b> Complete work on revisions to the telecommunications chapter concerning location of facilities, development standards, and environmental review.	50
<b>Transportation Management Plan (TMP) Improvements.</b> Work with SeaTran to determine what improvements would benefit creation and implementation of TMPs and recommend legislative or other action as appropriate.	60
<b>Unit Subdivision.</b> Clarify regulations and amend as necessary to conform with state subdivision law.	120

PROJECT	ESTIMATED HOURS
<b>Environmental Code and Policy Development</b>	
<b>Environmentally Critical Areas.</b> Review thresholds, definitions and development standards in light of new policy direction and monitoring of the program, as well as in light of new information presented by various scientific and technical disciplines. Evaluate program.	1500
<b>SEPA.</b> Evaluate thresholds and make recommendations as to whether to amend in response to neighborhood plan and Chamber recommendations.	600
<b>SEPA Non-Project Actions.</b> Review and respond to state rulemaking.	80
<b>Shorelines.</b> Gap analysis and review for conformity with the direction proposed by the state in shoreline master program rules.	2000
<b>Stormwater, Grading and Drainage.</b> Review and propose new requirements as prescribed by the state Department of Ecology in the pending 2002 National Pollutant Discharge Elimination System municipal stormwater discharge permit.	800

## APPENDIX 5 PROJECT RISK/OPPORTUNITY ASSESSMENT

This table is intended as an example of how a priority system might be established and is not based on a full analysis of the items listed. A careful analysis would likely lead to changes in the items marked or the use of weighted rankings. Those items designated as Council priorities reflect projects requested through formal actions, such as adopted resolutions, in addition to the priorities expressed as part of the neighborhood planning process.

Projects	Mandated by Legislation or Outcome of Litigation	Council Priority	Executive Priority	Critical to Department Mission/Efficient Administration or Enforcement	Simplify Processes	Expectations of Community Groups or Interest Groups, Neighborhood Planning Work Program	Unanticipated Opportunities	Comprehensive Plan Goals <sup>15</sup>
Land Use Code Simplification		X	X	X	X			
Project Lift Off			X					
Parking Tables			X			X		
Administrative Discretion			X	X	X			
Telecommunications	X							
Sponsorship Signs								
Housing Demonstration Program		X	X					X
Design Review Amendments						X		
Neighborhood Design Guidelines						X		
Ballard/Interbay/Northend Manufacturing/Industrial Center (BINMIC)						X		
Pedestrian Designations						X		
Commercial Master Plans		X				X		
Eastlake Neighborhood Plan Implementation						X		
Environmentally Critical Areas	X	X	X	X	X			
South Lake Union Planning			X			X		X
Single-Purpose Residential			X		X			X
Mixed Use Amendments					X		X	X
Planned Developments						X		
Unit Subdivisions				X	X			
View Protection			X			X		X
Northgate General Development Plan Process		X				X		
Great Streets			X			X	X	
Lowrise 3/Lowrise 4 Study				X		X	X	X
Height Measurement				X	X			

<sup>15</sup> Additional risk criteria can be substituted or added to the matrix, as appropriate.

Projects	Mandated by Legislation or Outcome of Litigation	Council Priority	Executive Priority	Critical to Department Mission/Efficient Administration or Enforcement	Simplify Processes	Expectations of Community Groups or Interest Groups, Neighborhood Planning Work Program	Unanticipated Opportunities	Comprehensive Plan Goals <sup>5</sup>
Endangered Species Act Response			X					
Downtown Amendments						X		X
Lot Size Exceptions					X			
Mixed Use Open Space						X	X	
Pike Pine II		X				X		
Noise			X			X		
SEPA Thresholds				X	X	X		
Shorelines	X		X	X				
120 Day Ordinance	X							
Cottage Housing			X				X	X
Data Centers								
Land Use Policies			X	X	X			X
Monorail	X	X	X					
Omnibus				X	X	X		
Right of First Refusal	X							
Street Improvement Manual						X		
Transportation Management Plan Program				X	X			
East Madison Rezone						X		X
23rd & Union Rezone						X		
Rainier Beach Rezone						X		
International District Rezones						X		
Greenwood Rezone						X		
Beacon Hill Rezone						X		
Community Centers				X				
Interbay Overlay						X		
Automated Public Toilet Signs		X	X					
People's Lodge	X	X	X					

## **APPENDIX 6**

### **ISSUES TO CONSIDER IN PROJECT SCHEDULING**

- The breadth of the issue or program to be undertaken.
- The project's priority relative to other assignments and work program commitments of planning staff.
- The degree of subject complexity, or extent to which there is no precedential history or experience to guide the formulation of new policy or regulatory alternatives.
- The availability of data readily accessible to staff to support the analysis of alternatives vs. the need to generate new data or evaluate non-traditional data or data sources.
- The extent to which consultants will be necessary to fulfill project commitments or to effectively identify and evaluate alternatives and/or opportunities
- The extent of public interest or controversy surrounding the subject matter.
- The extent to which the groups and individuals most critical to the success of the project have been identified and engaged in isolating issues and establishing the range of alternatives or options to be investigated.
- Need for task forces or interdepartmental teams to assess information and alternatives; includes organization and processing time.
- The extent of necessary intra- and inter- departmental review time for drafts of proposals and the availability of staff to perform review.
- Required public notice and/or opportunities for public comment, public meetings, notice of environmental determinations, appeal periods, and other similar requirements.
- The extent to which there are any requirements for state agency review and comment.
- The extent to which it can be assessed that there is the possibility of unanticipated outcomes of Council deliberations, often due to political vicissitudes, which may frequently change the intended policy objectives.
- The extent to which follow-up, post Council action, will require the preparation of rules, client assistance memos, training materials, staff training, and monitoring.

**APPENDIX 7  
DCLU RESPONSE**



**City of Seattle**

Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Acting Director

DATE: March 7, 2002

TO: Susan Cohen, City Auditor

FROM: Diane Sugimura, Acting Director

A handwritten signature in black ink, appearing to be "DS" or "Diane Sugimura".

SUBJECT: Draft Report on the Land Use Policy and Code Development Unit

I appreciate the opportunity to review and comment on the recently published draft report on the Department of Design, Construction and Land Use's (DCLU) Land Use Policy and Code Development Unit. I share your appreciation for our effective collaboration in preparation of the report's findings and recommendations. Working closely with you, as we have, we are confident that the report accurately reflects the often complex and multifaceted Land Use and Environmental Code development process.

The range of findings and recommendations are consistent with our own assessment of the Unit. I, too, am concerned with the burden of expectations that often accompany a work program that is as diverse and emergent as land use policy and regulation. With our many sources of new and challenging work from among elected officials, staff, design and development advocates, and the general public, it is often difficult to distinguish and maintain a priority focus on any one particular interest.

I support your recommendations for establishing systems that better estimate realistic timeframes within which we believe work objectives can be accomplished. I also believe that an improved risk-based assessment of projects would assist in establishing appropriate priorities. However, I am mindful of the expectations and influence any one particular interest may exert in the priority setting process. Efforts in the past to establish a work program agreed to by all parties and adequately staffed to produce results, have often been frustrated by well-intentioned changes to work program priorities, or the emergence of new and/or highly charged issues, and insufficient staff. However, we will continue to seek stability in the priority setting process and will more actively confer and seek commitment to priorities from both the Executive and Council.

Monitoring the work of multiple planners engaged in land use policy and code development work is a challenging task as more than twenty projects a year are presented to the Council for disposition, while another twenty await or are simultaneously undergoing review and assessment. This formidable task is currently being addressed as new procedural and material guidance is developed in the form of a staff manual and guide to the policy and code development process. Included in this guide to the work of this Unit are all necessary



City of Seattle, Department of Design, Construction and Land Use  
700 Fifth Avenue, Suite 2000, Seattle, WA 98104-5070

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## APPENDIX 7 (continued)

March 7, 2002

Page 2 of 2

templates for reports, memos, checklists, and ordinances, as well as new procedures for assigning work, scheduling assistance, sample documents, avoiding common pitfalls, preparing reports and summaries, conducting research, establishing realistic objectives, and a guide to working with the public, as well as other departments, agencies, and elected officials.

Our work has changed substantially and grown over the years, and continues to adjust to new administrations, elected officials, and a changing, growing city. Legal precedents are established that make a difference in aspects of our process. Close working relationships among our partners in the process are necessary, particularly with members of the Law Department and with staff in the Mayor's Office and Council. We will continue to pursue and refine our ability to assemble the appropriate team of staff and departments instrumental to the successful conclusion of any identified land use or environmental code amendment or policy change. Their commitment to the assignment of the necessary resources and time to participate in the process is essential to our success, as well.

Finally, assembling, maintaining, and replacing experienced and capable staff that are able to understand and represent a body of knowledge about complex land use policies and regulation in the City as embodied in thousands of pages of written guidelines and code text, is a high priority. You correctly identify the need for staff that is able to exercise independent judgment without higher management review or oversight. This is particularly important as staff is routinely required to represent the department and the City before often skeptical audiences, or before elected officials who may request unanticipated information or make substantive changes to recommendations, based on their particular interests.

The report is an accurate assessment of our process and our challenges. We are committed to ongoing monitoring, assessment and realignment of our objectives and practice in a shifting political and administrative environment. We are appreciative of the fact that many of the report's recommendations support efforts that we have already undertaken or will be underway shortly to address the future and to improve our effectiveness and timeliness in responding to the complex and often exciting land use and environmental issues facing the City. We will continue to pursue accuracy and excellence in our response to the public, elected officials and our agency partners.

I believe that the Land Use Policy and Code Development Unit has given highly professional and reliable service to elected officials, staff, and the public over the years. I appreciate the report's recognition given this staff for its commitment to excellence and I know that we are up to the challenges presented in the report. I am personally committed to ensuring that every effort is made to adequately staff the Unit and to provide the necessary training and support. New procedures are in place, a training curriculum is nearing completion, and every effort is being made to ensure that planners will find a place in DCLU that is dedicated and supportive, and will want to stay with us.